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Summary record of the 2630th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 2 May 2018, at 3 p.m.

Chair: Mr. Amir

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The meeting was called to order at 3 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined twenty-second and twenty-third periodic reports of Sweden (CERD/C/SWE/22-23 and CERD/C/SWE/Q/22-23)

1. *At the invitation of the Chair, the delegation of Sweden took places at the Committee table.*

2. **Mr. Olsson Fridh** (Sweden), introducing his country's combined twenty-second and twenty-third periodic reports (CERD/C/SWE/22-23), said that, at a time at which respect for human rights was under threat across the world, the Government of Sweden remained committed to their protection and promotion. Ongoing efforts were being made to combat hate crime and discrimination, which affected Sweden as they did many other countries. The current situation in Sweden was complex: support for openness and inclusion was growing, but so too was a certain hostility conducive to racism. The emergence of social media and other online platforms had facilitated the dissemination of racist and extremist content, and online debate in particular had acquired a more antagonistic character in recent years. Although Sweden had a rich history of ethnic diversity, racism and attitudes related to racial biology had at one point informed State policy.

3. Sweden was a country shaped by migration. Around 18 per cent of the population had been born abroad, and 5 per cent were children of parents who had both been born abroad. Immigration to Sweden had increased substantially in recent years. The country had received a relatively large number of refugees and, in 2015, had experienced the largest per capita inflow of asylum seekers ever recorded in a member State of the Organization for Economic Cooperation and Development. Sweden had long welcomed those fleeing persecution and remained guided by the same tradition of openness to the rest of the world that had so enriched it throughout its history. Nevertheless, despite intensive efforts on the part of the Government, foreign-born residents, newly arrived immigrants, refugees and their families, and persons born outside Europe continued to face a heightened risk of unemployment, segregation, discrimination and poverty in Sweden. In both the long and the short term, the Government would work with municipalities and county councils to provide employment, education, health care and housing for newly arrived immigrants.

4. The task of promoting and protecting human rights was one of the Government's priorities and a cornerstone of Swedish foreign policy. The Government's proposal that Sweden should aim for full compliance with its international human rights obligations had been embraced by the Riksdag, the parliament of Sweden. The National Human Rights Strategy adopted in 2016 included a proposal to establish an independent national human rights institution in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The Government had commissioned an inquiry to investigate the possibility of establishing such an institution, and its findings would be published in a report due out later in 2018.

5. The safeguarding of human rights entailed an obligation to eliminate racism and discrimination. The inclusive participation of all individuals, which was an essential component of any sustainable society, remained a challenge and a priority for Sweden. Civil society had a crucial role to play in promoting and protecting human rights. In that connection, he wished to express the Government's gratitude to civil society for its valuable contribution to the preparation of the report under consideration.

6. It was emphasized in the National Plan Against Racism, Similar Forms of Hostility and Hate Crime that racism took different forms, including anti-Semitism, Afrophobia, Antiziganism, Islamophobia and racism against the Sami. The Government had adopted targeted measures to combat those forms of racism, and they were the subject of ongoing dialogue with civil society. Increased funding had been made available for security measures and for the work of civil society organizations involved in combating racism. The Living History Forum coordinated and monitored activities conducted under the National

Plan, exchanged information with other government agencies and with civil society, was developing a dedicated monitoring system and submitted annual reports to the Government.

7. The strengthening of online preventive measures was one of the strategic areas under the National Plan. In spring 2018, the Government had held discussions on racism, discrimination and related issues with social media providers. Going forward, efforts would be made to strengthen the country's capacity for investigating online crimes, including in cooperation with other countries, and to ensure that social media providers played a greater role in combating illegal and harmful content on the Internet. At the same time, clear rules would be laid down for companies and law enforcement agencies in order to ensure that any legal action taken did not interfere with the exercise of human rights and fundamental freedoms, such as freedom of expression. In 2017, a national action plan on the protection of free speech had been presented with the aim of safeguarding democratic debate. The Government sought to preserve quality journalism and media diversity and to support local media and public broadcasters in the interests of combating disinformation and hate speech. The Swedish press adhered to a self-regulatory code of ethics.

8. The National Plan had made it possible for a collective response to be mounted against hate crime. The National Police Commissioner had developed a particularly ambitious approach in that regard, including the establishment of hate crime units and the allocation of resources to fund criminal investigations, assistance to victims and police training and outreach activities. The Swedish Police Authority would report to the Government on any additional measures taken to combat hate crime, the expected impact of those measures and its plans for the future.

9. The State was not authorized take law enforcement measures against a person on the basis of his or her ethnicity, and various authorities conducted monitoring to ensure that government agencies complied with applicable laws in that regard and did not discriminate or use ethnic profiling. The Parliamentary Ombudsman monitored the compliance of government agencies with relevant laws and regulations, and the Office of the Chancellor of Justice monitored government agencies and the courts.

10. The Government had strengthened the measures aimed at preventing discrimination and promoting equality in employment and education under the Discrimination Act. The new provisions had entered into force on 1 January 2017. The Government was considering proposals recently submitted following an inquiry undertaken with a view to improving protection against discrimination. The Equality Ombudsman monitored compliance with the Discrimination Act and also worked to combat discrimination. The budgets made available to the Equality Ombudsman and local anti-discrimination offices had been increased.

11. The Government had launched an ambitious, long-term programme to combat segregation. The programme was aimed, inter alia, at reducing residential segregation, reducing unemployment and improving educational outcomes. A dedicated government agency, the Delegation against Segregation, had been set up and would focus on socioeconomic determinants of segregation, although reducing ethnic segregation was also part of its remit.

12. In 2011, the Constitution had been amended to provide for explicit recognition of the status of the Sami as a people. The Government remained committed to protecting and developing Sami culture and society and strengthening the right of the Sami to self-determination, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples and with the Government's long-held view that indigenous peoples had the right to self-determination insofar as they constituted peoples within the meaning of common article 1 of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. The Government had renewed its dialogue with the Sami Parliament and Sami representatives and was developing a consultation procedure to give the Sami a greater say on matters that affected them. In spring 2011, Finland, Norway and Sweden had launched negotiations on a Nordic Sami convention. Representatives of the Sami parliaments of the three countries had been equal participants in the process. The text had been approved in January 2017 and had subsequently been submitted to the three Sami parliaments for consideration. The aim of

the convention was to codify and strengthen Sami rights and enable the Sami to safeguard and develop their language and culture across national borders.

13. The Government recognized that the Sami had historically faced structural racism and discrimination and thus followed with interest the work being done by the Equality Ombudsman and the Sami Parliament to establish a truth commission. The Government also recognized the various challenges faced by the reindeer-herding community, including climate change and land-use conflicts, and was cognizant of its obligation to promote ways and means for the Sami to preserve and develop their culture. Reindeer-herding was protected by law. The Government would work towards the ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). Sweden was actively engaged in United Nations mechanisms for the protection of the rights of indigenous peoples and fully supported the recent statement of the European Union expressing concern that the Special Rapporteur on the rights of indigenous people was being targeted for her work.

14. The Government was committed to ensuring the effective realization of the rights of persons belonging to the country's five recognized national minorities, namely Jews, Roma, the Sami, Sweden Finns and Tornedalians. In March 2018, the Government had put forward a bill aimed at strengthening the protection of the rights of national minorities by establishing more stringent rules on, inter alia, their participation in decision-making processes. It had taken steps to improve the situation of national minorities and to protect minority languages, but it recognized that further action was needed in that regard.

15. The Government continued to allocate considerable financial resources to support the implementation of its Strategy for Roma Inclusion 2012–2032. In 2014, the Government had published a white paper on the human rights abuses and violations suffered by Roma groups in the twentieth century, which had helped to shape the country's efforts to promote the inclusion of Roma. Following its publication, the Government had established the Commission against Antiziganism. it was currently considering a proposal put forward in that Commission's report of June 2016 to establish a national centre for Roma issues.

16. **The Chair** said that the State party was to be commended for the great progress it had made in combating racial discrimination and for allocating a significant proportion of its gross domestic product to aid for developing countries, particularly those in Africa.

17. **Mr. Kut** (Country Rapporteur) thanking the head of delegation for his frank, useful and encouraging remarks, said that the situation in the State party with regard to efforts to combat racial discrimination was promising. Nevertheless, there continued to be challenges, and a number of concerns raised previously by the Committee and other human rights bodies remained to be addressed. The State party had provided a convincing explanation as to why there was no reference to race in the Discrimination Act. However, it was unclear whether that omission might, in certain circumstances, result in less protection from discrimination for some people. Regarding the amendments to the Act adopted in 2017, the Committee would welcome further information on what new provisions had been added and what practical impact they were having. It would also like to know the Government's position in relation to a 2017 recommendation by the European Commission against Racism and Intolerance that the State party should enact legislation criminalizing the creation or the leadership of groups promoting racism and participation in or support for their activities.

18. He understood the reasons for the Government's reluctance to collect data on the ethnicity of the population. However, quantitative and qualitative information was needed in order to identify vulnerable groups and provide a basis for policymaking. The Government had also shown a reluctance to adopt special measures to promote equal opportunities, its view being that such measures were antithetical to equality. The authorities had nonetheless sometimes adopted initiatives that came close to being positive discrimination measures, and he would encourage them to remain open to the idea of using such measures as a means of promoting greater equity, which was essential to the achievement of real equality.

19. He also encouraged the Government to take the initiative regarding the creation of a national institution for human rights, rather than simply waiting for the Riksdag to take the necessary action. Various human rights bodies had recommended that the State party should give the Equality Ombudsman a broader mandate, including adequate powers to investigate discrimination by all public authorities, and ensure that it had adequate resources and enjoyed operational independence. The Committee would welcome further information on the steps taken in response to that recommendation.

20. He would be interested in hearing whether evaluations had been conducted to assess the outcomes of activities such as the awareness-raising initiatives on Afrophobia carried out by the Equality Ombudsman in 2015 and 2016; the national plan to combat racism, similar forms of hostility and hate crime; and the in-depth status report on the situation regarding Afrophobia, antisemitism, antiziganism, Islamophobia, racism against Sami people, homophobia, biphobia and transphobia. Additional information on the activities of the Living History Forum and the National Coordinator to safeguard democracy against violent extremism would also be welcome. Paragraph 41 of the State party's report indicated that "a more active legal system" was needed in order to enhance national efforts to combat racism. He would appreciate clarification of what was meant.

21. The Committee would like to know what results had been produced by the initiatives undertaken by the National Police Board to combat hate crime since 2014. He wondered why special hate crime groups had been established only in the three metropolitan regions and whether there were plans to extend that initiative to the rest of Sweden. He also wondered whether the national-level consultation forum on hate crime was operational. He invited the delegation to clarify whether the Parliamentary Ombudsman was mandated to monitor the way in which law enforcement agencies dealt with hate crimes. The Committee would welcome more information on the findings of the report by the Swedish Police Authority on its efforts to combat hate crime, which had been due in March 2017. The periodic report indicated that the number of hate crimes committed in Sweden was on the rise. He encouraged the State party to take steps to determine whether that apparent increase reflected an actual upsurge in hate crimes or was a result of improvements in data collection methods. It would be useful to know whether training relating to hate crimes was provided for law enforcement authorities as well as for judges, whether such training was compulsory or voluntary and how many officials had received training.

22. He noted that the Swedish National Council for Crime Prevention produced reports on incidents of racial violence and would like to know whether such reports were followed up by the police and prosecutors. Similarly, he would like to know what action was taken in response to the surveys and analyses conducted by the Swedish Defence Research Agency on violent extremist propaganda.

23. Action plans had been developed by the State party to address the issue of hate speech and racism in political discourse, but more could be done in that regard. What was needed was the effective implementation of a legal and policy framework to counter all manifestations of racism and ensure that all cases of racism were investigated, perpetrators prosecuted and punished and victims were provided with adequate remedies. The Committee would appreciate more information on the No Hate Speech Movement campaign run by the Swedish Media Council and its impact. It would also like to hear what steps were being taken to discourage the media from perpetuating prejudice against Muslim, Jewish and Sami communities.

24. According to reports, the State party's anti-terrorism laws were not being applied equally. He had learned of cases, for example, in which foreign-born individuals had been charged with terrorism offences, whereas Swedish-born members of a right-wing extremist organization had not, although they had been arrested for, and subsequently convicted of, bombing a centre for asylum seekers. He would appreciate a comment from the delegation in that regard.

25. He welcomed the measures taken by the State party to address economic segregation and to investigate the link between such segregation and the riots of May 2013 in Husby.

Nevertheless, he noted that more riots had taken place in 2016 and 2017, which pointed to a problem that needed to be addressed more seriously.

26. **Ms. Izsák-Ndiaye** said that representatives of non-governmental organizations (NGOs) had raised concerns about the lack of open and systematic communication channels with the various communities in the State party. It was important to have a mechanism to ensure that communication channels were open so that members of disadvantaged communities knew where to seek advice or report problems. She wondered whether the Government had any plans to strengthen its institutions in that regard. Initiatives such as the Equality Ombudsman and the Living History Forum were welcome, but they seemed to focus more on monitoring and follow-up than on preventing human rights violations.

27. The Commission against Antiziganism, which had been disbanded in 2016, had provided critical advice and support on efforts to combat discrimination against Roma communities. She wished to know whether the Government planned to establish another antiziganism body. She would appreciate further information on the national centre for Roma issues mentioned by the head of delegation in his opening statement. It would be interesting to know why the police had created a register of 4,700 Roma people and how the State party would prevent such measures — which could have very negative consequences — in the future. It would also be useful to hear about the outcome of the court cases arising from forced evictions of Roma groups and about the Government's views on the matter. She would welcome information on any developments with regard to the action plan on the issue. She understood that a consultancy firm had been hired to assess the State party's efforts in upholding the rights of the Roma population and combating antiziganism and would like to know whether the assessment had been conducted. If so, what had the findings been? The State party's textbook and teaching guide on the history of the Roma community in Sweden had been cited as a good example for other countries. She wished to know more about the content of those materials and whether they were still used in Swedish schools. If so, how many copies had been distributed?

28. **Ms. Shepherd**, noting that some Swedish NGOs and advocates reportedly found the term "anti-black racism" preferable to "Afrophobia", said that she wondered why the Government employed the term "Afrophobia". She wished to know to what extent the State party had implemented the Durban Declaration and Programme of Action and what action it planned to take in connection with the International Decade for People of African Descent. Many of the underlying causes of stereotyping and racist acts were rooted in the past, and knowledge of history could help eliminate them. It would be useful to know if the State party intended to incorporate human rights education into its history curriculum. She understood that the Living History Forum used education about crimes against humanity as a starting point for addressing issues of tolerance, democracy and human rights and would like to know whether issues of slavery, the transatlantic trade in Africans and associated industries that supported them were among the crimes against humanity to which the Forum referred. Many believed that the State party's involvement in the slave trade had been minimal, but that was not the case. In her view, it was time for the State party to face up to that part of its past and engage with the descendants of the victims of that trade in a national and international process of reconciliation.

29. **Mr. Avtonomov**, noting that the Roma communities in Sweden were of diverse origins, said that it would be interesting to know how the State party's policies took into consideration the different cultural backgrounds, needs and level of integration of the various groups. He would be grateful for an explanation of why local authorities in Västerbotten had reportedly burned down traditional dwellings belonging to Sami individuals. As far as he was aware, no Roma dwellings had been demolished. He wondered what accounted for the difference in the treatment of the two groups.

30. The constitutional amendment recognizing the Sami people was welcome. It would be helpful to know, however, which part of the Constitution contained the amendment. He also wished to know whether legislative provisions relating to the Sami people were tailored to the way of life of the different groups; legislation concerning reindeer-herding would not be relevant to Sami communities that relied on fishing as a livelihood, for example. He would welcome the delegation's comments on the fact that Sweden had still

not ratified the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). The delegation might also comment on reports that southern Sami communities had not been consulted regarding plans for a large-scale mining project to extract nickel ore. He would also appreciate a comment on NGO reports that not all Sami communities had been involved in the process of drafting the Nordic Sami Convention. He was concerned, in particular, that the Sami groups in the Russian Federation had been excluded, as a result of which existing bilateral agreements on cross-border communities might be endangered.

The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.

31. **Ms. McDougall**, noting the importance of acknowledging historical responsibility for human rights violations, including those committed in the context of the transatlantic slave trade, said that the Government would send a strong message by publicly adopting a national programme of action for the International Decade for People of African Descent. She shared Mr. Kut's concerns about the about the lack of demographic statistics disaggregated by national and ethnic origin and would like to hear a compelling explanation for the State party's policy of not collecting such data. In her view, it was impossible to develop targeted policies or programmes without such information. She would like statistics on diversity in the State party's parliament and judiciary. She would also welcome information on what was being done to encourage the participation of members of ethnic minority communities in the public sector, broadcasting and the judiciary and in decision-making processes in general.

32. She would be interested to know whether the State party's anti-discrimination laws covered the private sector and whether the Equality Ombudsman had the authority to investigate complaints of discrimination in the private sector. Noting that the largest Shia mosque in Sweden had been destroyed in a suspected arson attack and that there had been a significant number of fires in refugee centres in 2017, she asked whether the perpetrators had been identified and whether steps had been taken to prevent future violence. It would also be helpful to know whether and to what extent the Government could curb the activities of far-right hate groups. In addition, she would like to hear what programmes were in place to prevent domestic and other violence against women, particularly ethnic minority women, to punish perpetrators and to compensate and empower victims.

33. It was laudable that the State party had adopted a policy to combat racial profiling. However, it was important to know whether it was actually being applied. Statistics on street checks by the police, disaggregated by ethnicity and the reason for the check, information on the punishments imposed on police officers found guilty of racial profiling and data on the ethnic composition of the police force would all be welcome.

34. **Mr. Calí Tzay** said that the State party's delegation, though gender-balanced, would have benefited from being more ethnically diverse, for example through the inclusion of a Sami representative. He would be interested to know whether there were plans to grant land rights to all Sami people, rather than just to reindeer-herders. He also wished to know what conditions the Government placed on the approval of construction and natural resource development projects on Sami land and whether the social and cultural impact of those projects was taken into account, including in legislation. Was the right of Sami people to free, prior and informed consent respected and, if so, how? He would also like to hear what was being done or would be done to minimize the negative impact of settlement by non-Sami people on Sami land.

35. He urged the State party to expedite its ratification of the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169). He would like to know what legislative steps, if any, would be taken to ensure the recognition and protection of Sami languages, some of which were reportedly on the verge of extinction. Information on measures to uphold the rights of Sami people to receive education and to participate in judicial proceedings in their languages would also be appreciated.

36. **Mr. Marugán**, commending the State party for its progress in combating hate crimes, said that he would appreciate detailed information on convictions and sentences for hate crimes. He understood that the Swedish National Council for Crime Prevention collected data only on whether victims of hate crimes or their parents were Swedish- or foreign-born and would like to know whether steps would be taken to address the lack of

intersectional data on hate crime. He noted that victimization surveys were used to assess the extent to which hate crime went unreported and would like to know how regularly those surveys were conducted. He also wished to know whether hate crimes were prosecuted in the absence of a complaint from the victim. If so, in what circumstances? Could civil society organizations file complaints on behalf of victims?

37. The judiciary and, in particular, the police in Sweden appeared to have a very narrow interpretation of hate speech. He would be grateful if the delegation would provide information on Swedish jurisprudence relating to racial discrimination and incitement to racial violence that would illustrate what kinds of speech were investigated and prosecuted as hate crimes. He would also be grateful if the delegation would elaborate on the role of the national information technology crime centre mentioned in paragraph 16 of the periodic report.

38. Lastly, he understood that the Government had reached a framework agreement in June 2012 to extend State-subsidized health care to undocumented migrants. Was the agreement being implemented and, more generally, what access did undocumented migrants have to health care?

39. **Mr. Diaby** said that he wished to know what consideration was given to the customary law rights of indigenous peoples in the context of land evictions. He would also like clarification of the current status of the national human rights institution. In addition, he was curious to know what the Nordic Sami Convention would add to existing international provisions on the promotion and protection of the rights of indigenous peoples.

The meeting rose at 6 p.m.